

**TENNESSEE MOTOR VEHICLE COMMISSION  
BOARD MEETING  
July 14, 2008 10:30 A.M.  
CONFERENCE ROOM 160  
DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.  
NASHVILLE, TENNESSEE 37243**

**ROLL CALL:**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>
<b>BRENT SMITH</b>	<b>X</b>	
<b>EDDIE ROBERTS</b>	<b>X</b>	
<b>JOHN BARKER</b>	<b>X</b>	
<b>GEORGE BASS</b>	<b>X</b>	
<b>KENT BEWLEY</b>	<b>X</b>	
<b>MELISSA BLANKENSHIP</b>	<b>X</b>	
<b>KEVIN CULLUM</b>	<b>X</b>	
<b>DONNIE HATCHER</b>		<b>X</b>
<b>NATE JACKSON</b>	<b>X</b>	
<b>CHAD JONES</b>		<b>X</b>
<b>ALLEN LEWIS</b>		<b>X</b>
<b>LARRY LEWIS</b>		<b>X</b>
<b>TRAVIS MCDONOUGH</b>		<b>X</b>
<b>STAN MCNABB</b>	<b>X</b>	
<b>JOE PREBUL</b>		<b>X</b>

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Brent Smith on July 14, 2008. Roll Call was taken with a total of (8) member's present, and (1) via telephone.

**A Motion was made by Commissioner Nate Jackson, and seconded by Commissioner John Barker, to approve the minutes from the April meeting.**

**MOTION PASSED UNANIMOUSLY**

**REVIEW COMMITTEE**

The Review Committee advised the Commission that the Committee had discussed the attached legal report with counsel and moved that the Commission adopt the attorney's recommendations with the following exceptions.

Complaint 2008013881- \$500 citation issued 4/29/08 for incomplete temporary tag log. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or Formal Hearing.**

**Review Committee Recommendation: Increase the civil penalty to \$1,500 or a Formal Hearing.**

Complaint 2008013911- \$1500 citation issued 5/21/08 for three (3) unlicensed salesman. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization to increase the civil penalty to \$2,500 or a Formal Hearing.**

Complaint 2008007031- \$500 citation issued 4/2/08 for unlicensed motor vehicle sales. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty a Formal Hearing.**

**Review Committee Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

Complaint 2008011161- \$500 payments issued 3/28/08 for temporary tag log violations (i.e., issuance of excessive numbers of drive-out tags, log not in order, tags not accounted for). As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty**

**Review Committee Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

Complaint 2008011171- \$500 citation issued 3/27/08 for possession of an open title. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

Complaint 2008011181- \$1,000 citation issued 3/24/08 for two (2) unlicensed dealer locations. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$1,000 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization for \$2,000 civil penalty or a Formal Hearing**

Complaint 2008011191-\$500 citation issued 3/26/08 for incomplete temporary tag log. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

Complaint 2008009151- \$500 citation issued 3/11/08 for possession of an open title. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

Complaint 2008009121- \$500 citation issued 2/5/08 for misuse of drive-out tags and incomplete temporary tag log. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

Complaint 2008010071- \$500 citation issued for incomplete temporary tag log. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Dismiss with a letter of warning.**

Complaint 2008009061- \$2,250 citation issued 2/1/08 for unlicensed activity, misuse of temporary tags and failure to provide business records. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Send an investigator.**

Complaint 2008009071- \$500 citation issued 2/5/08 for unlicensed dismantler/recycler business. As of the date of this meeting, citation remains unpaid.

**Recommendation: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

Complaint 2008005881 200800981- \$1,500 citation issued on or about 3/28/08 to formerly-licensed motor vehicle salesman for unlicensed sales and selling two (2) vehicles on open titles. Additionally, Respondent has admitted not paying taxes on the sales of said vehicles. As of the date of this meeting, the citation remains unpaid. Respondent has written letter asking that the Commission rescind the civil penalty as it would place a hardship on his family.

**Recommendation: Authorization for \$1,500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Authorization for letter of warning. Flag file so he can not renew his license.**

Complaint 2007089131- Prior to ceasing operations, Respondent dealership's unlicensed salesperson sold a vehicle to the Complainant and no title was provided. Complainant has filed a claim against dealership's bond. A duplicate title has been obtained by Respondent's unlicensed salesperson but has not been delivered to Complainant.

At the time of the investigation of this matter, the aforementioned unlicensed salesman allegedly was employed at another used car dealership. Said unlicensed salesman admitted that temporary tags issued to the present used car dealership were issued to the purchaser of the vehicle from the Respondent's dealership.

**Recommendation: Respondent: Authorization for \$3,500 civil penalty or a Formal Hearing.**

**Unlicensed Salesperson: Authorization for \$1,000 civil penalty or A Formal Hearing.**

**Current Dealership: Authorization for \$500 civil penalty or a Formal Hearing.**

**Review Committee Recommendation: Respondent :Authorization for \$3,500 civil Penalty or a Formal Hearing.**

**Unlicensed Salesperson: Authorization for \$3,500 civil penalty or A Formal Hearing.**

**Current Dealership: Authorization for \$1,000 civil penalty or a Formal Hearing.**

Complaint 2008008641- This matter was originally presented to the Commission on 4/14/08. Dealer was contesting \$40,500 citation issued for failure to have a motor vehicle dealer's license for additional business location. At the 4/14/08 meeting, the Commission authorized a Consent Order to be issued in the amount of \$40,500 based on the number of vehicles sold.

The Respondent contacted former Commission counsel Patrick Merkel and offered to settle this matter for \$1,000. Dealer is an out-of-state corporation with its headquarters in Atlanta, GA. and is a licensed motor vehicle dealer in the State of Tennessee. Dealer maintains that it relied on erroneous information with respect to opening an additional sales office, and immediately upon the subject citation being issued, it ceased operation at that location.

**Recommendation: Accept Respondent's offer.**

**Review Committee Recommendation: Look at this matter again.**

**A Motion was made by Commissioner George Bass, and seconded by Commissioner John Barker, to approve the recommendations of the Review Committee.**

**VOICE VOTE UNANIMOUS**

### **APPEALS**

The following appeals were heard by Commission.

Robert Cunningham-salesman license-Herman Jenkins Motors Inc., Union City, TN  
Staff denied application

**Motion made by Commissioner Eddie Roberts to uphold the denial, seconded by Commissioner Nate Jackson.**

**MOTION PASSED UNANIMOUSLY**

Willis P. Cowart-salesman license-Price ford, LLC, Millington, TN  
Staff denied application

**Motion made by Commissioner Nate Jackson to grant his license, seconded by Commissioner Stan McNabb.**

**MOTION PASSED UNANIMOUSLY**

Travis L. Coleman-salesman license- Cookeville Honda, Cookeville, TN  
Staff denied application

**Motion made by Commissioner Stan McNabb to uphold the denial, seconded by Commissioner Nate Jackson.**

**MOTION PASSED UNANIMOUSLY**

Ben W. Bashaw-salesman license- Goss Suzuki of Rivergate LLC.,Mt. Juliet, TN  
Staff denied application

**Motion made by Commissioner Eddie Roberts to uphold the denial, seconded by Commissioner Nate Jackson.**

**MOTION PASSED UNANIMOUSLY**

Michael T. Patterson-salesman license- Nissan of Rivergate, Madison, TN  
Staff denied application

**Motion made by Commissioner George Bass to uphold the denial, seconded by Commissioner Eddie Roberts.**

**MOTION PASSED UNANIMOUSLY**

Gregory Fucci-salesman license-Wolfchase Chrysler-Dodge-Jeep, Bartlett, TN  
Staff denied application

**Motion made by Commissioner Kevin Cullum to grant his license, seconded by Commissioner Stan McNabb.**

**MOTION PASSED UNANIMOUSLY**

## **APPEAL FOR MORE DEALER TAGS**

DBI Classic Cars- Morristown, TN

**Motion made by Commissioner Eddie Roberts, and seconded by Commissioner Kevin Cullum to deny the request.**

### **MOTION PASSED UNANIMOUSLY**

Nashville Coach, Inc., Whites Creek, TN

**Motion made by Commissioner Kevin Cullum, and seconded by Commissioner Eddie Roberts to grant them three (3) additional tags.**

### **MOTION PASSED UNANIMOUSLY**

M & M Motors- Nashville, TN

**Motion made by Commissioner Eddie Roberts, and seconded by Commissioner Nate Jackson to deny the request.**

### **MOTION PASSED UNANIMOUSLY**

## **DIRECTORS REPORT**

Since the last Commission meeting in April 2008 the following actions have been taken:

Dealers Opened, or Relocated .....106

Active Licensees as of July 1, 2008

Dealers.....	4622
Applications in Process.....	46
Distributions/Manufacturers .....	211
Auctions.....	37
Representatives.....	638
Salespeople.....	15402
Dismantlers.....	382
RV Dealers.....	20
RV Manufacturers.....	84

Motor Vehicle Show Permits Issued Since April, 2008.....26

Revenue Received	\$ 2600.00
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Meeting Adjourned.

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Brent Smith, Chairman

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Don Trotter, Executive Director